

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NYKOLE M. BROADNAX,	§	
	§	No. 221, 2010
Appellant Below,	§	
Appellant,	§	Court Below—Superior Court of the
	§	State of Delaware in and for New
v.	§	Castle County
	§	
WEST END NEIGHBORHOOD	§	
HOUSE and the UNEMPLOYMENT	§	
INSURANCE APPEAL BOARD,	§	
	§	
Appellees Below,	§	C.A. No. 08A-08-019
Appellees.	§	

Submitted: December 17, 2010

Decided: February 23, 2011

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

ORDER

This 23rd day of February 2011, it appears to the Court that:

(1) The appellant, Nykole Broadnax, filed this appeal from Superior Court's March 2, 2010 decision affirming the Unemployment Insurance Appeal Board's denial of her claim for unemployment benefits. Having carefully considered the parties' briefs on appeal and the record of the Unemployment Insurance Appeal Board as well as the Superior Court, the Court concludes that the appeal is without merit.

(2) Broadnax began her part-time employment with appellee, West End Neighborhood House, on July 17, 2006. On February 28, 2008, West End's

Director, Joan Fultz, advised Broadnax that the position would be terminated effective April 30, 2008, due to a restructuring of the organization.

(3) On April 24, 2008, Broadnax got into an argument with West End's Program Director, Halley Schmittinger. On April 25, 2008, Fultz terminated Broadnax.

(4) On April 27, 2008, Broadnax submitted a claim for unemployment benefits to the Department of Labor. West End, through Fultz, advised the Department of Labor that Broadnax had been discharged from employment because of the incident on April 24, 2008. Upon reviewing the evidence submitted by Broadnax and West End, a Claims Deputy determined on May 20, 2008, that Broadnax had been discharged for just cause and was ineligible for unemployment benefits.

(5) Broadnax appealed the Claims Deputy's determination to an Appeals Referee. The Appeals Referee held a hearing on June 19, 2008. By decision dated June 24, 2008, the Appeals Referee affirmed the decision of the Claims Deputy and concluded that Broadnax was discharged for just cause and was disqualified from receiving unemployment benefits.

(6) Broadnax appealed the Appeals Referee's decision to the Unemployment Insurance Appeal Board. The Board held a hearing on August 20, 2008. By decision dated August 22, 2008, the Unemployment Insurance Appeal

Board affirmed the Appeals Referee's decision and concluded that Broadnax was discharged for just cause and disqualified from receiving unemployment benefits.

(7) Broadnax appealed the Unemployment Insurance Appeal Board's decision to the Superior Court. After briefing, the Superior Court issued a decision dated March 2, 2010, affirming the Board's decision.¹ This appeal followed.

(8) This Court's appellate review "is limited to a determination of whether there was substantial evidence sufficient to support the [Board's] findings," and whether the Board's decision is free from legal error.² Having carefully reviewed the record and the parties' positions on appeal, including Broadnax's claims of error in her opening brief filed on September 15, 2010, we conclude that the Board's August 22, 2008 decision is supported by substantial evidence and is free from legal error. As such, we conclude that the Superior Court's decision of March 2, 2010 must be affirmed.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ *Broadnax v. West End Neighborhood House*, 2010 WL 740523 (Del. Super.).

² *Roshon v. Appoquinimink Sch. Dist.*, 2010 WL 3855179 (Del. Supr.) (quoting *Unemployment Ins. Appeal Bd. v. Duncan*, 337 A.2d 308, 309 (Del. 1975)).